

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREGORY MCKENNA,

Plaintiff,

vs.

ST. LOUIS COUNTY

POLICE DEPARTMENT, et al.,

Defendants.

Case No. 4:09CV1113 CDP

MEMORANDUM AND ORDER

On January 4, 2010, I dismissed plaintiffs' federal-law claims for failure to state a claim under Fed. R. Civ. P. 12(b)(6) and for lack of subject-matter jurisdiction under 12(b)(1). I also dismissed his remaining state-law claims without prejudice. Plaintiff now moves to disqualify me, contending that my adverse rulings reveal my bias against him. Although this case is closed, I will consider the merits of this motion.

A judge should recuse herself if her "impartiality might reasonably be questioned." 28 U.S.C. § 455. Recusal is required when an average person knowing all the relevant facts of a case might reasonably question a judge's impartiality. *Dossett v. First State Bank*, 399 F.3d 940, 952-53 (8th Cir. 2005); *Moran v. Clarke*, 296 F.3d 638, 648 (8th Cir. 2002) (en banc). "Adverse judicial rulings, however, 'almost never' constitute a valid basis for recusal; the proper

recourse for a dissatisfied litigant is appeal.” *Dossett*, 399 F.3d at 953 (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)). Because plaintiff’s only support for my recusal is my adverse ruling, his motion must be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to disqualify [#60] is denied.

A handwritten signature in cursive script, reading "Catherine D. Perry".

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 7th day of April, 2010.